



Legislative Assembly of Alberta

The 31st Legislature
First Session

Select Special
Ethics Commissioner and Chief Electoral Officer
Search Committee

Monday, May 6, 2024
9:32 a.m.

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First Session**

Select Special Ethics Commissioner and Chief Electoral Officer Search Committee

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van Dijken, Glenn, Athabasca-Barrhead-Westlock (UC), Deputy Chair

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Dyck, Nolan B., Grande Prairie (UC)
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Philip Massolin	Clerk Assistant and Director of House Services
Nancy Robert	Clerk of <i>Journals</i> and Committees
Jody Rempel	Committee Clerk
Rhonda Sorensen	Manager of Corporate Communications
Lyndsay Tischer	Director of Human Resources
Janet Schwegel	Director of Parliamentary Programs
Amanda LeBlanc	Deputy Editor of <i>Alberta Hansard</i>

9:32 a.m.

Monday, May 6, 2024

[Mr. Yao in the chair]

The Chair: All right. I'd like to call this meeting of the Select Special Ethics Commissioner and Chief Electoral Officer Search Committee to order.

I'm Tany Yao. I'm the MLA for Fort McMurray-Wood Buffalo and chair of the committee. I'd ask that members and those joining the committee at the table introduce themselves for the record, and then I will call on those joining us remotely. We will begin to my right.

Mr. Getson: Sure. Shane Getson, MLA for Lac Ste. Anne-Parkland.

Mr. Dyck: Nolan Dyck, MLA for Grande Prairie, Alberta.

Member Irwin: Janis Irwin, Edmonton-Highlands-Norwood.

Mr. Sabir: Irfan Sabir, Calgary-Bhullar-McCall.

Ms Wright: Peggy Wright, Edmonton-Beverly-Clareview.

Mr. Dach: Lorne Dach, Edmonton-McClung.

Ms Tischer: Good morning. Lyndsay Tischer, human resource services with the Legislative Assembly Office.

Ms Dean: Good morning. Shannon Dean, Clerk of the Legislative Assembly.

Ms Rempel: Good morning. Jody Rempel, committee clerk, Legislative Assembly Office.

Mrs. Petrovic: Chelsae Petrovic, MLA for Livingstone-MacLeod.

Mr. van Dijken: Glenn van Dijken, MLA for Athabasca-Barrhead-Westlock.

The Chair: Ms Pitt, I understand you're phoning in, so you probably won't be able to use your video, but can you just introduce yourself, please?

Ms Pitt: Yeah. Good morning. Angela Pitt, MLA, Airdrie-East.

The Chair: Thank you so much for that.

I'd also note for the record that Mr. Getson is substituting for Mr. Stephan for the remainder of our mandate.

A few housekeeping items to address before we turn to the business at hand. Unless we move in camera, committee proceedings are being live streamed on the Internet and broadcast on Alberta Assembly TV. Committee members are encouraged to, whenever possible, have your cameras on when you are speaking. The audio- and videostream and transcripts of meetings can be accessed via the Legislative Assembly website. Please set your cellphones and other devices to silent for the duration of the meeting.

With that, a draft agenda was circulated for this meeting and, I believe, a motion on notice in this regard. Mr. Dach moves that

the Select Special Ethics Commissioner and Chief Electoral Officer Search Committee amend the proposed agenda for its May 6, 2024, meeting by adding a review of the Chief Electoral Officer position profile as the first item for discussion under 5(b).

For discussion?

Mr. Dach: I'll just wait a moment for the committee clerk to get it up on the screen, if possible.

The Chair: Yeah. If you guys want to discuss the motion to add a review of the Chief Electoral Officer position profile. Do you want to expand on that?

Mr. Dach: Yeah. The motion was presubmitted. Given that we are having to restart the search process for this position, it seems incumbent that we consider amendments to the position profile to ensure the process attracts the best candidates. This is where the advertising copy directed interested parties to the position profile, and it's the most appropriate place to indicate the relevant skills for this position, so I think it's prudent to make this change and talk about it on the agenda today.

The Chair: All right. Any other discussion?

Seeing none, well, all in favour of the motion to change the proposed agenda to add a review of the Chief Electoral Officer position, please say aye. In the room? Okay. On the phones? Okay. Thank you very much for that.

That motion is defeated.

All right. The next motion we have: I'm looking for someone to move a motion that the Select Special Ethics Commissioner and Chief Electoral Officer Search Committee approve the proposed agenda as distributed for its May 6 meeting. Mr. Dyck moves that the Select Special Ethics Commissioner and Chief Electoral Officer Search Committee approve the proposed agenda as distributed for its May 6 meeting. All in favour, please say aye. All opposed in the room? On the phones? Okay. That motion is carried.

All right. Next we have the draft minutes from our last meeting. Are there any errors to note? Would someone please move to approve these? Mr. Getson moves that the Select Special Ethics Commissioner and Chief Electoral Officer Search Committee approve the minutes as distributed of its meeting held on April 26, 2024. All in favour, please say aye. All opposed in the room? On the phones, all in favour of approving? All right. That motion is carried. Thank you so much.

Next on the agenda we're going to be discussing the recruitment of the Ethics Commissioner. To respect the privacy of the applicants, it would be appropriate to move in camera for this portion of the meeting. Can I have a motion to that effect, please? Mr. Getson moves that the Select Special Ethics Commissioner and Chief Electoral Officer Search Committee, including the appropriate representatives from the Legislative Assembly Office, move in camera. All in favour, please say aye. On the phones? All right. That motion is carried.

Thank you very much. Please give us a few minutes as the staff just shift out.

[The committee met in camera from 9:37 a.m. to 9:59 a.m.]

The Chair: Thank you, everybody. We're now back on the record.

I'd like to welcome the representatives from executive search and from corporate communications who have joined the meeting. I'll ask them to quickly introduce themselves for the record. Ms Sorensen, you want to start us off?

Ms Sorensen: Rhonda Sorensen, manager of communication services.

Ms Mills: Trish Mills, executive search.

Ms Barron: Julie Barron, executive search.

The Chair: Thank you so much for that.

The next item on our agenda is a discussion of the Chief Electoral Officer position. The Legislative Assembly Office has put together some information for our consideration should this committee choose to initiate a second round of recruitment for the Chief Electoral

Officer position. The search timeline and process information. For planning purposes, a tentative timeline for the recruitment: the schedule may change if necessary but takes into consideration time of year and sessional calendar. The schedule has also been reviewed by executive search and the Legislative Assembly Office to confirm the resources available to support the recruitment process as outlined. A draft communications plan and advertisement copy have also been distributed for our consideration.

Before I open the floor for discussion, I'd like to ask Ms Sorensen to provide us with an overview of this information. Ms Sorensen.

Ms Sorensen: Thank you, Mr. Chair. Yes. I think you've had the document in front of you. We have had some confirmation on some of the quotes that came in late last week, so the advertising for the print portion is just a tiny bit higher than it was during the first round. Actually, for Postmedia it's a little less than we've approximated here. It's coming in under \$4,000 whereas *Globe and Mail* has gone up to about \$12,800. The rest of what we're recommending is fairly low cost or no cost.

One of the new initiatives that we are looking at that we've not done before but we would like to try with this campaign is the X hiring page, which is X's version of LinkedIn. We would still be doing the LinkedIn, of course, but we also thought that this might be a good way to test the waters with the X hiring page. We're recommending with social media as a small investment of \$500 to increase the reach and investment.

I'm certainly open to any questions should the committee have any.

The Chair: Any questions for Ms Sorensen? Mr. Getson.

Mr. Getson: Yeah. Just on the X media platform: how does it compare to LinkedIn? I'm not familiar with it. Does it operate very similar in same reach or broader reach?

Ms Sorensen: It seems to. It is a new platform, and we just put into a premium subscription within the LAO. We've not used it before, but on the back end it looks like it's exactly the same as LinkedIn. We just haven't seen what it looks like when we put it forward.

Mr. Getson: Thank you.

The Chair: Any other concerns, questions?

Ms Wright: I'm just wondering if there's, like, a schedule for boosting of these ads on these different social media platforms, you know, if there's a regular schedule of doing that or if it's kind of you're noticing something and therefore it ends up being boosted.

Ms Sorensen: A little bit of both. We monitor throughout the campaign. But you wouldn't want to leave a campaign – you'd want to boost it at least once a week, because as effective as boosting is, it will start to lose its efficacy after that point. However, if we see something performing extraordinarily well, then we might put a little bit more behind that and reboost that.

The Chair: Any other concerns, questions?

Mr. Sabir: My question is with respect to the profile. The profile: since we're having to restart the search process, will it be exactly the same, or will there be any changes made to the profile?

Ms Sorensen: I'll turn that over to my colleague.

Ms Tischer: Right now, no, there are no changes to the position profile as there have been no changes to the position, the legislation that governs it.

The Chair: On the phones, any concerns, questions currently on the communications process?

Mrs. Petrovic: No. Thank you, Chair.

The Chair: Thank you so much for that.
Go ahead, Mr. Dach.

Mr. Dach: Thank you. Just a question on cost, Mr. Chair. Since this is a revisiting of the process, do we have an idea of what extra cost we're ensuing by doing this twice?

The Chair: What is the budget, I guess, for this next round?

Ms Sorensen: The total cost would be – assuming that the size of the ad stays the same and everything else is equal, you're looking at about \$16,000.

Mr. Dach: Multiplied by two, roughly, then, is what we'd be looking at in total for both rounds.

10:05

Ms Sorensen: The first round there were two positions, so I think the total for that came in at – I'd have to look back – I'm going to guess, around \$25,000 for the two. You probably got a bit more of an advertising break on the print material doing the two, but I don't have the specifics in front of me.

Mr. Dach: Thank you.

The Chair: Any other concerns, questions for Ms Sorensen regarding communications and advertising? Ms Wright, go ahead.

Ms Wright: Yes. I know that we have a motion on the floor that's been submitted, and it's about ensuring that the draft advertising copy for this position includes a requirement that the candidate must demonstrate that nothing about their conduct or activities in the last five years, such as seeking political nomination or making donations to political parties, would negatively impact the public's and stakeholders' perception that the candidate is able to act in the position impartially and without political bias.

Mr. Dyck: Sorry. Chair, I just have a question.

The Chair: Go ahead, Mr. Dyck.

Mr. Dyck: Thank you, Chair. Are we done talking about the communication plan and moving on to the advertisement copy? Do we need anything, any process on the communication plan?

The Chair: Go ahead.

Ms Rempel: Thank you, Mr. Chair. They are a bit of a package deal.

The Chair: Okay. We see the motion before us is that the Select Special Ethics Commissioner and Chief Electoral Officer Search Committee amend the draft advertising copy for the Chief Electoral Officer position to include a requirement that a candidate must demonstrate that nothing about their conduct or activities in the last five years, such as seeking political nomination or making donations to political parties, would negatively impact the public and stakeholders' perception that the candidate is able to act in the position impartially and without political bias.

This is a motion that has been proposed before. Discussion?

Member Irwin: I can speak to it.

The Chair: Go ahead.

Member Irwin: Thank you, Mr. Chair. Yeah. I mean, you know, again, this is a role of the Chief Electoral Officer, and I can't quite imagine a world in which all parties wouldn't agree to the fact that this position should be one where the candidate comes with impartiality and without political bias. I think we have an obligation as members of this committee and as Members of the Legislative Assembly to very much exemplify that this process is one that is free from political interference, so I'm hoping that all members of this committee will support Ms Wright's motion.

The Chair: Any other comments? Mr. Dyck, go ahead.

Mr. Dyck: Thank you very much, Chair. I believe the job description already states that this is a "nonpartisan, independent officer of the Legislature." I think that that's important here, so we already have it in the job description that this individual, whoever we hire for the Chief Electoral Officer, is required to be impartial in their decisions. It also states that "an understanding of the political context of this role [is] key." So they do have to be involved and have some understanding of politics as well and what's happening. I think that this is already encapsulated in the current job description and this is not needed, so I will not be voting in favour of this amendment.

The Chair: Thank you for that, sir.

Any other comments, questions? Mr. Dach.

Mr. Dach: Thank you, Chair. I think the motion is a useful one in that it goes beyond the description that's now embedded in the position profile stating simply that it is a nonpartisan position. This goes to an even deeper and more precise level so that individuals who are considering applying for this might be advised to really think hard about whether or not their political involvement would be under such scrutiny as to make them ineligible. I think it's important that individuals who are considering applying for these positions really understand that partisan involvement will be a detriment to their application.

The Chair: Thank you for that.

Mr. Getson.

Mr. Getson: Yeah. Chair, through you to the members – and thanks for the motion. I think the intent is there. One thing that's kind of sticking out in my mind, though, is some of the language, again as legislators, on this. My concern: as an example, there's no stipulation on the amount, there's no stipulation on the timelines or involvement.

As an example, I had a deputy mayor of a small summer village come up and say that she was invited to go to a Nenshi event, but it would be a couple hundred dollars to go to the event. Is that a political involvement? Like, when we start talking about some of these donations, whether they're fundraisers or whether they're suppers or dinners or anything else, it gets a little – ambiguity, I guess, in there is what I'm looking for. So if we start saying this and we go above and beyond, I think the intent is good, but at what point do you stop and have that level of involvement?

You know, if somebody makes a donation to some party, whether it's your party, our party, a different party altogether; by showing up at an event or anything like that within five years: like, that's pretty tough to do on today's timelines in the province. Maybe the member that brought the motion forward can kind of talk about that a bit because I think you've got the good intent; I'm just kind of concerned how far this may go or where that line of sight may be for further deliberations down the road.

Ms Wright: Chair, speaking to the issue of timelines, I think it's fairly clear because it does talk, in fact, about the last five years. So I would think that, you know, you can certainly look at patterns of behaviour. For instance, if someone is an executive, if they are a stakeholder, I think it's fairly clear when you kind of look at their work and if they went to this particular event as a result of that. Certainly, the five years gives a long enough time so that you're able to see if there are any sort of patterns included in that.

I do think that it's incumbent upon us as this committee to make sure that everything is incredibly clear, that it isn't just a nonpartisan position; that it being a nonpartisan position means these very specific things. So if you're interested in applying for this particular position, then, as my colleague stated earlier, you really need to think very, very carefully and you need to be very mindful about what your behaviour looks like, which is also part of that. It's that perception of bias. It's the perception of if you are impartial or not enough to be able to do this job, to be able to ensure that our elections are fine, without bias, and they're simply elections without any sort of political partisanship involved in any of that.

Mr. Getson: I'm going to stop messing up *Hansard* here, because I know they're running the mics now. I apologize for that.

Again, I think the intent is right. I'm struggling on the application of that construct and the idea with the words. As an example, if I'm a public-sector employee, I'm union. Part of my contributions may or may not be, knowingly, going to one particular party or another. If I'm on the tools and I'm union, part of my contributions may or may not be going to a certain political party that may or may not have executives sitting at the table. So my concern: I think your intent is good, but there's a ton of ambiguity of how this could potentially be applied, and I think, honestly, that it's pretty tough to nail this down without potentially excluding some really good candidates out there that might work for different organizations, too.

Ms Wright: Mr. Chair, I'm just going to say, of course, that unions are unable to make direct political donations; that's totally separate and apart from any advocacy that they might be doing. I don't see ambiguity in here at all. I think it makes what's already in the position profile clearer for people who may be interested in being candidates for this particular position.

The Chair: Mr. Sabir.

Mr. Sabir: Thank you, Chair. I think I will put it this way. I will say three things. One, this is an important position, and our democracy depends on it. We can all agree with that, that the position of Chief Electoral Officer or that office: our entire democratic institution depends on it.

10:15

The second thing – I think we can all agree on this one, too – is that this is an impartial position. This is an independent officer of the Legislature, and the position is nonpartisan, an impartial position. That's how it's created.

I think the only thing we are arguing here is whether as members of this committee, as members of the Legislature, we should make sure that the person who we are appointing is also impartial. And how we can demonstrate that is simply by asking in the last five years – not a donation to go to a fundraising dinner gala but a pattern of behaviour where you're donating the max, where you're seeking candidacy for one party or another or any political party in the province. These are pretty simple, basic kinds of checks and balances that we can put on this profile to make sure that the person we are hiring is impartial and not just impartial, but the public can

see that there is not even a perception of that person not being impartial.

This will only strengthen the profile of this position. This will strengthen democracy in this province. I guess it will also kind of make us do our job better when we get candidates who are prescreened for certain criteria, and this is one of the most important ones.

Mr. Getson: Not to overdebate this because, you know, we've got stuff to do today as well. I believe the intent is there. I don't see this in the motion to give that line of sight or that clarity. I think the intent is good. I think I would violently agree with my colleague across the aisle that we want this to be as impartial as possible, absolutely, and when you're establishing patterns of behaviour, that's where I think we have those in camera discussions. And when we're doing the evaluation, we can have a fulsome discussion there, for sure. The job description already says – as my colleague to my right has already pointed out, it's already in the job description. Then if I look at patterns of behaviour, where do you stop? Federal, provincial, municipal: like, it gets on a slippery slope here. That's the issue I have. I think the intent is pure, MLA Wright, I really do, but unfortunately I can't support it the way it's written right now.

Thank you.

Mr. Sabir: We're happy to take a friendly amendment to clarify the intent.

The Chair: Any other concerns or questions before we take this to a vote? Just to remind everyone that we do have one more motion on notice as well after this.

Seeing none, all in favour of this motion as presented, please say aye. That's three I hear. On the phone, is everyone in agreement with the motion as proposed? All against? On the phones, against? All right.

That motion is defeated.

Mr. Sabir: Chair, if I may.

The Chair: Go ahead, Mr. Sabir.

Mr. Sabir: Since I was late in saying aye, can we get a recorded vote on this one?

The Chair: Yes, we can.

All right. All those in the room in favour of the motion as presented, please say aye, and by hands.

Ms Rempel: Thank you, Mr. Chair. I have Member Irwin, the hon. Mr. Sabir, Ms Wright, and Mr. Dach.

The Chair: On the phones, anyone in favour of the motion as presented, please say aye. Seeing none, all in the room that are opposed, please raise your hands.

Ms Rempel: Thank you, Mr. Chair. I see Mr. Getson, and I see Mr. Dyck.

The Chair: All those on the phones that are against the motion as presented, please indicate so.

Ms Rempel: Thank you, Mr. Chair. I believe I have Mr. van Dijken, Mrs. Petrovic, and I have Ms Pitt as opposed. There are five opposed and four in favour.

The Chair: Thank you so much.

That motion is defeated.

Now we're moving to the next motion on notice. If we can put that up on the screen. Mr. Getson moves that

the Select Special Ethics Commissioner and Chief Electoral Officer Search Committee amend the draft advertising copy for the Chief Electoral Officer position to indicate that candidates may be asked to complete psychometric testing as part of the recruitment process.

It's open for discussion. Ms Wright, go ahead.

Ms Wright: I've participated in psychometric testing, sort of had it done on me, which was an interesting experience, and I've also had other conversations about kind of its validity and utility. One of the things I'm most interested in knowing from the member opposite is: why would we want to include this when it hasn't been included in the previous round?

The Chair: I might also allow human resources to step in and speak. Ms Tischer, were you prepared to speak on this?

Ms Tischer: Sure. I can give a little bit of background on some psychometric testing and also options should the committee wish to move forward with that.

Psychometric testing: it's not widely used in recruitment processes at this point, especially for executive levels. It's not a tool that is known for having decisive hire/nonhire information. I just want to make sure that the committee knows, you know, what the path forward might look like, including psychometric testing. It typically has been used very successfully in performance and development. Right now the *Harvard Business Review* reports only about 18 to 20 per cent of organizations using psychometric testing, and not all of those organizations are using it successfully in recruitment.

Of course, it is the prerogative of the search committee. Should the search committee wish to include it, it should be made known well in advance as part of the background so that candidates are aware that that's what they're getting into.

The concern with it is sometimes the reliance. Individuals can engage in impression management, knowing what they want as an outcome from the psychometric test themselves, because they think they have an idea of what would fit the profile best. You know, that's something for the committee to take into consideration in employing the psychometric test as part of the recruitment process.

Best advice in using the psychometric testing for competitions is to include it only in the final stages, so just as an additional level of insight in top candidates, so not to have all of the candidates undergo the psychometric testing.

Certainly, if it is the will of the committee, executive search and the LAO have identified an organization that can provide it, but it does need certified individuals to read and interpret the test results, so that would be something that the search committee would likely need to include in, you know, the search competition timeline, the process, and also the expense, because we would need to include a certified body to interpret the results.

Mr. Getson: Chair, if I can reply.

The Chair: Please go ahead.

Mr. Getson: Thanks for that, Ms Tischer. You said it way more succinctly than I would have, but that's literally where it comes down to.

The reason I was bringing the motion forward: it may not have been a tool in the tool kit before, but it's one of those that could be at our disposal if required. When it comes down to the high calibre of candidates that we will be presented with, it might be one of those

items that could just be used to give us a little bit more of an insight. Similar to yourself, MLA Wright, I've had some personality profiles and things done in the past. Also to the HR individual's point, Ms Tischer, on that, it really does help with advancement and training.

One of the things that I think should be considered by the committee is that whomever the committee selects and puts in this position, we're basically hands off until the next time their position comes up. So on behalf of Albertans and the taxpayers and everybody else, it's making sure that we have done everything at our disposal to ensure that that individual is going to follow those very clear outlines in their job description to the fullest extent. You had brought up earlier some of the other items on the politics, obviously. This just gives a better rounded evaluation of that individual at that calibre. Once they're out on their own, they're on their own, for sure, and we want to make sure that we have everything afforded to us that can help us select that best individual.

So that's where I'm coming from on that side of it. It may or may not be used, but it might be just the thing or the insight that we need for further deliberations once you get down to those final candidates.

The Chair: Mr. Dach.

Mr. Dach: Thank you, Mr. Chair. We've heard some, I think, serious limitations of the psychometric testing proposal that we're being asked to consider here by Member Getson. I know that we've heard from executive search committee that the psychometric testing is not widely used at the executive level, that it's not used to base hire/nonhire decisions on, and that only 18 to 20 per cent of organizations actually use it, more for performance and development. It needs certified individuals.

10:25

What the motion is asking us to do, Mr. Chair, is to basically implement a pilot program to test out psychometric testing by this committee, and I don't think it is the prerogative of this committee to instigate a pilot program which perhaps should be considered at a higher level, perhaps even in the Legislature, to determine whether or not psychometric testing should be a wider, across-the-board tool in the tool kit rather than us implementing it here.

Given the deficiencies that we have in actually, perhaps, implementing it, that we don't know if we have people within the public service who could perform the necessary, certified tasks that are required, would we be bringing in outside people under contract to do that? How indeed are we verifying that those people are satisfactory?

So there are a lot of unanswered questions, and I'm not comfortable implementing psychometric testing as a pilot program, a one-off, in choosing a Legislative Assembly officer without a wider discussion happening, perhaps in and on the floor of the Legislature, talking about the use of psychometric testing across the public service in a wider way. I've got quite a few concerns about it. I really am not comfortable supporting this motion.

Ms Wright: One of the things that I did want to highlight was that 18 to 20 per cent utilization rate in terms of executive search. I think that right now that means something, that it wouldn't necessarily be one of the best assessment methods to determine who might be a successful candidate in whatever stage in the process they're in.

The other thing I did want to highlight as well is that on occasion these sorts of standardized tests and certainly the psychometric tests that are out there now have a number of different components, a number of different parts. Most of them are timed and that sort of thing. And – and this is my teaching background coming – I know that there are many, many people out there who are in many executive positions who don't necessarily do well on that sort of

standardized test that involves a time component. It could be because they're not sort of classified as, like, a neurotypical person. It could just be because anxiety ramps up, so things happen. But because it's essentially a multiple-choice test, it doesn't always give you the information that you hope it's going to give you because those conditions don't allow for depth necessarily.

While I understand that on occasion they can provide you with some measure of insight into who that person is, I don't necessarily think that it's the insight that actually speaks to whether or not this person is a particularly good fit for that particular role, and, again, you know, with the fact that it is a standardized set of tests and that that certified person is looking at those results at that point in time, if we were to go forward with this, we would have to know that it's just that one-little-point-in-time sort of assessment measure. Given that only 18 to 20 per cent utilize it and that it's not particularly successful in terms of hire/not hire, I would question why we would even look at it at this stage.

The Chair: Please go ahead.

Mr. Getson: Yeah. Again, all really good points. Again, it's not widely adopted at this point. You don't have 90 per cent of individuals using it, but you do have upwards to 20 per cent. So I would argue that it's not leading edge; it's something that's new that is used as a tool.

To your point, you're spot on. For anyone, any time that somebody has a bad-hair day and they do a test versus the best day of their life, it could potentially swing the results. But typically, you know – and HR might advise otherwise – it doesn't swing it hugely. Like, you're looking at a modicum of a difference between those. But what it does do is that it gives you a little bit of an insight into the person's personality and some of their traits that you may or may not be able to get out of an interview process without having a little bit more of a metric to it. So that was the intent, to make sure, if the committee chose to do it and if we had a tough decision to make – hopefully, we do, because we'll have some really good candidates – that this might be something we can employ just to maybe get a little bit more consensus further on down the road as a tool at our disposal.

The Chair: Mr. Dyck.

Mr. Dyck: Excellent. Well, thank you, Chair. I'm in favour of this. I've done a couple of these in the past myself. I do believe that they have helped for me personally in my experience at hiring, particularly just in seeing whether or not somebody could potentially have really good, sound judgment, demonstrate fairness, patience, the ability to work with people. Some of these traits do come out on some of these tests, and I'm for that. Most of these people that we are going to be interviewing, I believe, are going to have those traits, but I do believe that any extra help that we can prove or have a little bit of push towards is helpful. So I'm in favour of this.

Chair, if you're willing, I would like just to vote on this here. Let's get on with the work.

The Chair: Thank you very much, Mr. Dyck.

Mr. Sabir, did you have your hand up?

Mr. Sabir: Yeah. I just want to, I guess, share a couple of comments about standardized testing from my personal experience. Like, I took the law school admission test, LSAT, a standardized test. I will talk to psychometric testing specifically, but my experience with that was that it was culturally biased and would favour people of a certain culture.

For instance, there is one paragraph there, one section there where they are testing your reading comprehension. The paragraph

will be: “Miles Davis was a jazz singer. He did this. He did that. Now you can infer this, this, and this.” For the same question, if I am asked about Nusrat Fateh Ali Khan, “He was a singer from Pakistan, and he did this and this, and what can be inferred from that?” like, I would be way better at answering that question as opposed to answering about some jazz singer. Those are the kinds of limitations that do come with standardized testing.

From my social work background I do know a little bit about psychometric testing, the behavioural model of interviewing that we use during those interviews. But what these kinds of standardized tests, including psychometric testing, do is that they are skewed to look for the collective normal, and they overlook and don’t necessarily accommodate or account for women, racialized people, person of colour communities.

In a society like ours, which is very diverse, I think that kind of testing will further perpetuate systemic bias, systemic racism, and those kinds of things, like, more exclusionary kinds of measures. This will be seen as a more exclusionary kind of measure that is looking for just a collective normal. That’s my concern about this testing. It’s also one of the limitations of these tests. I want to put that on the record.

Mr. Getson: Those are some great conversation pieces, folks. Again, if there’s some concern on that, I’m sure we can bring it up when the test questions are being asked. If you ask me about Miles Davis or somebody else, I don’t know anyway; I’m not a musician. But if you ask me about a technical manual on building pipelines or aircraft, I could probably answer pretty quickly.

I do know there are limitations depending on those, but typically the question suite eliminates a lot of that because it typically has a background and a plethora of questions to go from to establish that. Even the patterns in the responses to a similar or same question typically flesh that out, too. But they’re all really good points. Again, the intent was to give this committee another tool in our tool kit, if we choose to use it, that might be able to help us get over the line. That’s the intent.

Mr. Sabir: Just a quick comment. I think that even from your response that we can tweak questions, seriously, I do not know if we have that kind of expertise to kind of tweak a standardized test. As executive search said, they will be outsourcing it; even they don’t have the in-house capacity to kind of administer that or analyze that. You need a certified psychologist, I believe, to analyze those tests. It’s something we are doing that’s beyond our comprehension and understanding.

Mr. Getson: Again, that was my effort of an olive branch, of giving you some type of out for your argument, but if your argument doesn’t hold water, then I’m okay with that, too. We’ll let the psychologist take care of the testing.

The Chair: I could get, maybe, human resources to clarify. The wording is that candidates may be asked to complete psychometric testing as part of the recruitment. Will this be applied to all candidates or just the finals, or how does this work?

10:35

Ms Tischer: Do you want me to jump in? The wording as is is “may be asked,” so, again, if you as the committee are looking at introducing the psychometric testing, best practice that is established thus far with psychometric testing in recruitment is that it would only be applied to top candidates. Perhaps the committee

won’t need this if there are some top-ranked candidates that are very clear. I’m not sure. That’s the best that I can offer.

The Chair: Thank you very much for that.

Are there any final comments, questions before we move to a final vote on this?

Mr. Getson: Just for edification, the intent, again, was to give a tool kit. It would be the will of the committee if we were to use this for the final selected candidates to help us in the evaluation process. It’s just a tool in the tool box, so the committee, again at the will of committee, would still have the chance to deliberate if it was to be used later on for potential successful candidates.

The Chair: Any final comments, questions? If not, I’m prepared to take this to a vote.

With that question, the motion before us is that the advertising copy indicates that candidates might be asked to complete psychometric testing as part of the recruitment process. All in favour in the room of such a motion, please say aye. On the phones, everyone in agreement with the motion, please say aye. In the room, all opposed?

That motion is carried.

We do need a motion there for someone who wants to – Mr. Dyck moves that

the Select Special Ethics Commissioner and Chief Electoral Officer Search Committee approve the communications plan and advertising copy as amended.

Would anyone like to discuss this final motion?

With that, all in favour in the room of this final motion to approve the communications plan and advertising copy, please say aye. On the phones, all in agreement with the motion, please say aye. Okay. In the room, all opposed to this motion?

This motion is carried.

All right. Under other business, do members have anything for discussion? Go ahead, Mr. Sabir.

Mr. Sabir: Thank you, Mr. Chair. I do understand that substitutions to committees are allowed under our standing orders, but is there a way that the committee can agree that if a member, going forward, doesn’t participate in interviews, they will not be part of decision-making or making the decision if they didn’t interview a person? Is there a way to agree through unanimous consent of the committee, or can it be a general agreement? It’s just a matter of natural justice, that if you didn’t hear a case, you shouldn’t decide it.

The Chair: I’ll just get Ms Rempel to reiterate what we’ve previously agreed to.

Ms Rempel: Thank you, Mr. Chair. Just on this topic I am referring to the minutes from our very first meeting, at which this committee agreed, really, to two points as far as substitution and attendance are concerned. The importance of consistency throughout the selection process was noted, and outside of exceptional circumstances committee members agreed not to appoint substitutes for participation in portions of the selection process. Then they also agreed that, outside of exceptional circumstances, only those present for all candidate interviews would participate in the final selection process. I believe that reflects what the hon. Mr. Sabir might be discussing.

Mr. Sabir: It certainly reflects, but we didn’t follow it last time around. MLA Getson was substituted after interviews were completed, and he was still able to participate in decision-making after the interviews.

The Chair: I suppose that we can reiterate the agreement as stated previously, that once members are on, they stay on for the duration. I mean, is anyone opposed to that thought?

Mr. Sabir: No, we're not opposed to that. We're just hoping that it will be followed.

The Chair: I'm sure – go ahead, Mr. Dyck.

Mr. Dyck: Part of the agreement as well, the second part of that, does say that in any extreme circumstances there can be a substitute. We had a member with some challenges, so he decided to step off. We found a substitute. So not only are we playing within the rules – we're playing in the rules. I think it's fair that we had brought in a substitute for someone, and I believe that's within the agreement. I think it's fine for this to continue moving forward with this agreement. I think it's important that we do with that expectation. But there is always a question that if something does happen, we do need somebody to be able to substitute. I think it's a fair agreement currently, and I think we should continue utilizing that agreement as well.

Member Irwin: Yeah. We don't need to relitigate the whole thing. It just was incredibly frustrating how that process went down after having agreed and then, you know, being made to feel bad that it was personal circumstances and that very afternoon that same member was ranting in the Legislature. I just really want to reiterate that we made an agreement, and it was both in writing and orally. It was just incredibly frustrating.

The other thing I wanted to point out as well is that for timings of meetings I've noticed that we've just been told when meetings are. Will there be any conversation around that as well? Just so we can avoid having to have substitutions.

The Chair: I think I can comment that the reason why I didn't do the usual straw polls that we usually do to select dates is because we're under a bit of a time crunch to get things done before the end of the Legislature here, and things have to go through a process with the Legislature in order to happen. My apologies to you folks for not giving you that courtesy, but I had to make some very fast decisions. We had to get that information out and give you as much of a heads-up as possible as to when we could meet. The timelines that we're dictating now with the end result of May 8, which is our next meeting: the hope is that that day we can announce publicly the new Ethics Commissioner. But, moving forward, we'll certainly try to keep everyone in the loop and allow as many options as possible when setting future meetings.

Mr. Sabir: That would be helpful.

The Chair: Yeah. Go ahead, Mr. Dach.

Mr. Dach: Thank you, Mr. Chair. I'd just like to put on the record that with respect to the substitution policy that this committee has been operating under, the wording "outside exceptional circumstances" is something that was relied upon for the substitution of Mr. Getson for Mr. Stephan, yet we never heard any details whatsoever of the exceptional circumstances that required that substitution. I think this committee deserved more of an explanation. Certainly, some things may be personal, but this is a serious matter when a substitution on this committee is making a decision to hire Legislative Assembly officers. I was not pleased that we didn't get more explanation of that.

Furthermore, what Mr. Sabir is asking is not necessarily to alter the way in which we allow substitutions on this committee. There is a mechanism which was used to allow substitutions. What he's asking is that if there is said substitution permitted, that individual is therefore prohibited from making final decisions about the

candidates who would be selected if indeed they had not heard the interviews. I think that was a reasonable exception to make, and I don't know if this committee has properly dealt with that. Notwithstanding that we're agreeing, "Yes, indeed, substitutions are permitted under the current rules," what we're asking for is a further stipulation that if indeed there is a substitution, that individual who is substituting be prohibited from making a final decision on the candidates if they were not privy to the interviews in their entirety. Let's chat about that.

10:45

Ms Rempel: Thank you, Mr. Chair. Again I'm just looking at the minutes from our first meeting here. I believe that Mr. Dach may be referring to the agreement that was made at that meeting that, outside of exceptional circumstances, only those present for all candidate interviews would participate in the final selection process. I believe in the past that is something that has applied not just to potential substitutes but to committee members themselves. But, again, that is something that is an agreement amongst committee members.

The Chair: Go ahead, Mr. Dach.

Mr. Dach: Thank you. In this case, where the substitution was made to allow Mr. Getson to sit on this committee, that issue wasn't really very well dealt with, and the exceptional circumstances that would allow Mr. Getson to make final decisions were not heard by this committee. I think that we deserve to hear what exceptional circumstances would permit Mr. Getson to make and participate in the final decisions. We have rules; let's follow them. Let's make sure that the members who are making these decisions are actually eligible to do so given the rules that we've already got in place where even a member who is a substitution must, outside exceptional circumstances, not be permitted to make final decisions. So what are the exceptional circumstances that allow Mr. Getson to be able to make final decisions? He's not attended the interviews.

The Chair: Ultimately . . .

Ms Pitt: Mr. Chair.

The Chair: Sorry. Go ahead, Ms Pitt.

Ms Pitt: Sorry. Mr. Chair, can we just move on? This is, like, a repetitive conversation that's already been had, there's already a decision that's been made, and we've got other work to do here.

The Chair: Well, thank you so much for that, Ms Pitt.

What I was going to say is that the actions that were made were within the rules. I'm not going to air anyone's individual issues out in the public. Certainly, moving forward, the expectations of the committee will try to maintain that semblance of order in regard to how we move forward in decisions, but I'm not going to retroactively discuss the individual happenings of an individual and their personal stuff.

Go ahead, Mr. Sabir.

Mr. Sabir: Thanks, Chair. I was not relitigating or going retroactive. Glad to have MLA Getson on this committee. All I'm asking is that, going forward, if any member of this committee is not part of an interview, that member should not get to decide the future of those candidates who that member didn't interview. It's just a matter of fundamental fairness. Like, in the legal system they say that if you didn't hear the case, you don't get to decide. So that's the kind of principle; like, basic fairness principle. I want it to be applied going forward. No personal issue with MLA Getson being here now.

The Chair: Agreed. I think that we can all agree that the initial agreement still stands and that we need to move forward with that and that, hopefully, there will no longer be any more exceptional circumstances in which this decision had to be made. But, again, ultimately, the decision was made within the rules, as we've experienced in other committees and stuff like that. People have their own reasons for why they can't attend and stuff, so they get substitutions and stuff like that. We're more restrictive in this committee, and I will continue to be more restrictive in this committee as to how that happens.

If there's no further discussion on this, we're just going to move on. Seeing none, perfect.

The next meeting is scheduled for May 8.

Would a member make a motion to adjourn, please? Mr. Dyck moves that the May 6, 2024, meeting of the Select Special Ethics Commissioner and Chief Electoral Officer Search Committee be adjourned. All in favour, please say aye. On the phones? All opposed to adjourning the committee meeting? That motion is carried.

Thank you, all, so much. Enjoy the rest of your day.

[The committee adjourned at 10:50 a.m.]

